IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2007

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.18636 of 1999

Thirunavukarasu .. Petitioner.

Versus

1.The Government of Tamilnadu
represented by its Secretary,
Revenue Department,
Fort St.George, Chennai.

2.The Principal Comissioner
and Commissioner of Revenue Administration,
Chennai.

3. The Additional District Magistrate
cum District Revenue Officer, Erode. .. Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in D.Dis.R.A.V.(2) 64308/98 (A.A.160/98), dated 30.6.99 and quash the same and also direct the 3rd respondent to issue gun licence to the petitioner.

For petitioner : Mr.S.Muthukrishnan

For respondents : Mr.V.Manoharan
Government Advocate

O R D E R

Heard Mr.S.Muthukrishnan, the learned counsel appearing on behalf of the petitioner and Mr.V.Manoharan, the learned Government Advocate appearing on behalf of the respondents.

2. The petitioner has submitted that he is a cashier in Soundarya Garments at Tiruppur. As such, the petitioner is entrusted with the responsibility of collecting money from the customers living in various villages in Coimbatore District. Every day the petitioner was collecting huge amounts and at times, the collection had exceeded Rs.1 lakh.

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Therefore, the petitioner had applied for an SBBL Gun licence for self protection. The Tahsildar, Kangeyam Taluk, Erode District, after making necessary inspection, had recommended the request of the petitioner. The Superintendent of Police, Erode, had also recommended for the grant of Gun licence to the petitioner for self protection. However, the Additional District Magistrate cum District Revenue Officer, Erode, in his order K.Dis/114484/97, dated 12.7.98, had rejected the application of the petitioner. Therefore, the petitioner had preferred an appeal to the Principal Commissioner of Revenue Administration, Chepauk, Madras, namely, the second respondent herein, on 30.7.98. On hearing the appeal, the second respondent had passed an order in D.Dis.RA.V.(2)64308/98 (A.A.160/98), dated 30.6.99, rejecting the appeal preferred by the petitioner. Hence, the petitioner had preferred the present writ petition, under Article 226 of the Constitution of India, raising various grounds as stated therein.

3. The learned counsel appearing on behalf of the respondents had denied the claims made on behalf of the petitioner. The learned counsel had submitted that it is not made clear as to whether the petitioner is still in need of the Gun licence, as it is not known whether the petitioner is still functioning as a cashier as claimed by him. He had also submitted that the Gun licence, as requested by the petitioner, is not granted as a matter of right. The rejection of the request of the petitioner by the respondents 1 and 2 are based on the facts and circumstances of the case and in accordance with law.

4. Based on the submissions made by the learned counsels appearing for either side, this Court is of the considered view that the petitioner has not shown sufficient cause or reason to interfere with the impugned order challenged in the present writ petition. However, it is open to the petitioner to apply afresh requesting for the grant of a licence, if he so choses, in a manner known to law and the concerned authorities are expected to pass appropriate orders thereon, without reference to the orders already passed by the respondents herein.

With the above observations, this writ petition stands dismissed. No costs.

csh

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary,
The Government of Tamilnadu
Revenue Department,
Fort St.George, Chennai.

2.The Principal Comissioner
and Commissioner of Revenue Administration,
Chennai.

3. The Additional District Magistrate
cum District Revenue Officer, Erode.

+1 cc to The Government Pleader Sr.No.71726.

AKR(CO)
DCP/13.12 W.P.No.18636 of 1999

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